From a typology of representation towards the localisation of power centres

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Only few historians have dared to develop a grand theory on systems of representation. Among those who did take this intellectual risk, Otto Hintze certainly was one of the most influential thinkers whose ideas even more than sixty years after their publication continue to inspire research. Here, I shall concentrate on his famous typology of representative institutions in which he discerns two types of systems through Europe since the middle ages: the two-chamber and the three-chamber parliaments. In his view, the first type is mainly represented by England, and albeit in less clear cut forms, also by Poland, Hungary and Scandinavia. The second and more recent type is to be found in the Empire, Spain and France. The first type evolved directly from the king's great council, the second developed into a differentiation of a society in which feudalism necessitated a deep reconstruction of power relations from the bottom up. The new lords had to rely on the support of all weighty categories in their endeavour to build up a state administration. So, Hintze saw a causal relationship between the penetration of feudalism in the Carolingian core lands and the emergence of the second type, while the first type was to be found in the periphery.[1] Hintze's further implication that, during the early-modern period, bicameralism led to parliamentarism and tricameralism to absolutism, remains outside the chronological limits of this article, in which I will look especially at the medieval origins. Moreover, this aspect of the theory has already been adequately refuted by Kersten Krüger.[2]

The function of a theory being to interpret globally the available data, a sound progress of our scientific knowledge requires a steady reappraisal in the light of new findings which may have been provoked in part by the prevailing theory. Given the impressive research of the last sixty years, it would be rather curious if a global theory could still satisfy, encompassing all the information we have at hand now. I will therefore raise three questions, starting from Hintze's powerfull insight:

1. Are the concrete empirical data on which he founded his theory still held to be correct and sufficient?
2. Is his descriptive theory, based on two basic types of representation through Europe from the middle ages to the end of the ancien régime, still to be considered as an adequate scheme to interpret the facts?
3. If not, can we offer an alternative?

Bi- and tricameralism

The main case in Hintze's argument evidently was England. Detailed research on the proceedings of the two Houses and of the careers of MPs over the last decades has brought about masses of materials which make possible a much closer insight in the representative practice than was possible sixty years ago. The reality of bicameralism in the later middle ages was marked by a far less clearly cut distinction between the Lords and the Commons than has been assumed in the older literature

> 'Although they had their differences . the Lords and the Commons usually saw eye to eye on matters of broad policy. There were certainly plenty of occasions for them to meet together and discuss the topics of the day, since the practice of "inter-communing" or sending delegates from one house to another was frequently employed'.[3]

Not only did the two Houses look together at important political issues, the social standing of many shire knights was not always so far inferior, if ever it was, to that of their relatives among the parliamentary peerage. Their local power basis could not be overlooked by either the Crown or the Lords, and they even strengthened it by advancing petitions for their clients. The social networks underlying parliamentary action could become apparent only after detailed research of the practical proceedings and the biographies of the MPs. The more this work proceeds, the more the institutional cleavages tend to loose their absolute character.

Political patronage has equally been put forward as an important factor in the behaviour of the Polish nobility; in the mean time, however, a substantial difference occurs between English bicameralism and that in Poland and Hungary: in these kingdoms, cities were hardly if at all in a position of political influence, while in Westminster their role could not be overlooked. Moreover, regional diets played an active role in central Europe, while this structure was not prominent in England [4] How legitimate, then, is it to put bicameralism in both regions on an equal footing, while the content of the structures is so different?

The situation in Sweden raised a problem for Hintze in developing his typology, he solved it by stating that Sweden showed 'a transformation of the old bicameral type into the modern three- or four-chamber type'.[5] Since the fourteenth century, the king had to negotiate with the Council of the Realm, the Men of the Realm and the Commonalty of the Realm. The latter is specified in 1359 as 'clerics, knights, squires, townsmen, and peasants', assembling in provincial tings. There is no indication, however, of these last categories to have taken part in formal meetings on the level of the kingdom, which continued to be the sake of the Lords. The political crisis of the 1430's, however, in which the aristocracy was split up into several rival family groupings, created an occasion for the awakening of political consciousness and action among the lesser nobles, the burghers, the miners and the peasants of central Sweden. A certain level of constitutional practice grew through the frequent royal elections in the middle of the 15th century, where the 'commonalty' came to be understood as the armed levy serving as a parliamentary body Its role must have been mainly that of confirming the decisions made by the ruling class On a regional basis, the tings including townsmen, miners and peasants, were gradually more involved in fiscal matters. The great meeting at Västerås in 1527, attended by sixteen members of the Council, 130 'freeborn noblemen', 105 'peasants' and the representatives of some twenty towns and seven mining districts constitutes

the ultimate stage in the development of the old meetings of lords It answered to the proposals of the king by 'estate', namely the entire nobility, the townsmen and miners, and 'the common man'.[6] Anyhow, we are far from a formal bicameral system in any stage of this development

Krüger concluded from his review of Scandinavian representation that Hintze's geographical distinction between carolingian core lands and periphery did not fit. Sweden, situated in the weakly feudalised periphery, developed in fact not a bicameral but a four-chamber system. The Empire, on the other hand, the core region of carolingian feudalism, had in fact a bicameral system with the mixed clerical and noble councils of the Electors and of the Princes. In addition, the imperial cities constituted a true estate.[7] One has to observe, however, that Hintze correctly argued concerning the territorial states, where, more than was the case in the gloomy Empire, effective state building took place with the formation of assemblies of two (the protestant lands), three or four estates (Bavaria and Frisia[8]). Again, the reality of the representative structures was far more differentiated than Hintze's simple typology could incorporate.[9]

For all the cases classified by Hintze as bicameral, serious objections have to be made as to their empirical validity Moreover, the two types which he sees as successive stages are in reality much more intermeshed. In cases which in his view obviously belong to the three-chamber system, their direct evolution from the enlargement of the monarchical council is just as obvious as in England or Sweden.

The earliest mention made of an intended, although not actually held, assembly of three estates dates from 1128 in Flanders. Part of the nobility and the cities opposed to the new count because of his repeated violations of their rights. He was urged to call a meeting of his curia 'and let the barons from both sides, and our peers and all the responsible men among the clergy and the people, come together in peace and without arms, and let them judge' [10] A similar procedure was applied by king Alfonso IX of Leon in 1188 when he convened 'a curia at Leon with the archbishop, the bishops and magnates of my kingdom, and with the elected citizens from the different towns'.[11] Needless to insist on the fact that these cases precede the development of the English House of Commons and that Hintze's presumed consecutive formation of the three chamber representation cannot be accepted as a general model.

In some cases, like it was in the two mentioned before, the extension of the curia into a council with a broader consultative representation, did not transform it and did not necessarily introduce a splitting of the clergy and the nobility in a high and a low chamber.

From the strategy of enlarging the monarch's council in crisis situations thus could evolve *or not* – as it happened in Flanders – a variation of representative structures with very different social compositions. Hintze's classification forces this variety into two types, overlooking that similar origins produced different outcomes already in a very early stage, say the thirteenth and fourteenth centuries, in Sweden the fifteenth. Insofar as his argument rests on the variations in the penetration of feudalism and of a state bureaucracy to explain why in some countries the second type grew out of the first and not in others, it underestimates the similarities in the developments between countries in western Europe. A comparative study of the financial institutions from the eleventh to the tirteenth century concludes·

'We have admitted that the Carolingian heritage was definitely a molding force

> which gave common characteristics to continental institutions, and that the high degree of feudalization in western Europe was also such a force. But more than common heritage and institutional borrowing produced these common features. Degree of political power, economic resources, and local need, whether in England or on the Continent, governed what rulers and their administrators did or could do with their institutions. These ingredients more than heritage and borrowing account for the common characteristics of the financial institutions of western Europe during their formative period' [12]

Is Hintze's view not too exclusively institutional, indeed, and even in the limited sense of focusing on the structures, leaving aside institutional practices, informal developments and personal implementation? Were concrete political and economic forces not molding institutions more than their traditions, as is suggested by Lyon and Verhulst? One could object, for instance, that Hintze did not consider the effects of monetarization and urbanization in the gradual breaking up of feudalism, especially in the most progressive areas, Northern Italy and the Netherlands. These two regions are curiously absent from Hintze's analysis and indeed don't fit at all in his scheme. His explanatory factors obviously are strongly present in, say Lombardy: the strong penetration of feudalism and the early development of rational administration based mainly on Roman law. Three-chamber representation nevertheless only developed in the peripheral regions of Italy.[13] In such regions as Piedmont and Friuli, the cities weighed so heavily on decision making that they organized their interventions in a more limited structure formed by the major cities only, thus bypassing the formal estates.[14] Where assemblies of estates did exist, their composition also varied considerably. We noticed the absence among the estates of the clergy and the presence of the peasants in Sweden. In the county of Holland, the clergy did not participate, which reduced the estates to two.[15]

Recent research has brought to the light that similar systems of urban representation developed in some highly urbanized regions, often without any reference to a monarch or to other estates and anyhow independent from these. Authorities of cities had their own way of dealing with the problems of trade and commerce in which they obviously were most competent and directly interested. Monarchs and feudal lords generally showed an interest in trade only from a viewpoint of taxation and had little further understanding of the kind of matters merchants were dealing with. This type of urban representation developed in various shapes in regions like the coast principalities in the Low Countries, the Rhineland, the Hanseatic area including Prussia, and in Swabia. In Northern Italy, on the other hand, the fierce competition between the cities led to domination of the smaller by the larger ones, which obviously left little space for representation. The fact remains, however, that the urban world created a system of representation and domination on its own, for its own needs, and in forms dependent on the environment. Urban leagues in Alsace, the Rhineland and Swabia partly fulfilled similar functions of reciprocal protection against the feudal and monarchical powers as did the Hanseatic league or the informally operating groups of major cities in Piedmont, Catalonia, Flanders or Holland.[16]

For this section, we can conclude that the empirical material available now is hardly to accord with Hintze's vision. Structures were more varied than he could see and don't fit the dichotomy of types. It is questionable if the difference between two- and tricameral representative systems was really all that relevant, since they all operated in practice

in a more subtle way than one might presume on the basis of their formal structure Real political and economic forces, especially that of the cities, have been overlooked by Hintze as determinating factors rather than the institutional heritage A generalizing approach will now have to take into account not only a wider variety of representative systems, but also the question why these did not develop or disappeared in some regions This negative questioning will have to prevent us from leading interpretations

A more adequate theory?

The confrontation of Hintze's theory with our present empirical knowledge reveals that many data had to be left aside or distorted to allow their insertion in a bipolar typology In my view, his scope is too narrowly focused on the formal structures, while current research stresses rather the day-to-day practice, including behavioural patterns of the political personnel Hintze sees institutions too much in their own field, omitting the obvious fact that they operate within a society which gives them opportunities and imposes some strains upon them His ideal types of representation remain thus very close to the sphere of the political theories of the time trying to stabilise the power inequalities on the monarch's terms

The implication of this vision is to overemphasise the role of assemblies of estates as the sole form of representation, and the dualistic character of representation as taking place on the monarch's initiative, within the limits of his territory and about the issues relevant to him This interpretation belongs to the strong tradition which sees developments of institutions mainly as a single path in which converge all earlier variations The 'royal way' is then that of modernization which in the field of political institutions implies the formation of national states, centralised, bureaucratic and monarchical

My interpretation will start from the close relationship of the representative institutions with the society and the political system in which they function Types of societies have earlier been distinguished along levels of commercialization and urbanization [17] Kruger has correctly pointed out that the same types of societies could lead to different representative structures, at least if one sticks to their formal aspects He stressed the need to include the opposite effects on social relations of the exercise of power by existing political structures Moreover, the evolution of power systems had been insufficiently considered in the typological approach [18] I want to object that it is questionable if a formalistic approach is sufficient to get a deeper insight into the relations between the dynamics of societies in relation to their polities I have already pointed in this context to the successes of serial approaches to institutions, considering the prosopography of their personnel, their agenda and practical operation

Charles Tilly has recently proposed the dimensions accumulation and concentration of (movable) capital to classify societies, not in rudimentary extremes but along graded qualities The level of capital accumulation indicates the availability of resources, the measure of concentration determines the number of places where they can be drawn in particular quantities In preindustrial societies, movables allowed a far greater concentration of wealth than land, which made them more flexible means of domination Tilly uses these vectors to locate the various types of states, not in a bipolar typology fixed for centuries but in gradual differentiation Those powers having the possibility

to extract important commercial surpluses were in a better competitive position than their purely rural rivals. The rich variety of reality brings about ever changing multiple combinations of these basic means of power, which can be conceptually grasped by such a model.[19] It allows a more refined operationalization of the factors urbanization and commercialization The highest accumulations and concentrations of movable capital are to be found in the largest cities.

The interaction between powers will thus take place within a framework defined by a certain level of accumulation and concentration of movable capital. The higher the accumulation, the better the competitive position of a unit, the more concentrated, the less competitors within the polity The same factors apply to the interactions between state systems. The nature and weight of the political actors can thus be identified in a uniform way, as is required for any comparative research. Moreover, these indicators prevent us to look only from above at the political interaction, as is implicitly the case in the dualistic approach.

The ongoing process of competition for political power brings about the extension of the scale of the units There is not, however, a single driving force of expansion The extension by monarchs of their councils into broader layers of society when the circumstances made this unavoidable has certainly too often been considered as the obviously only model of integration of growing political systems. Rural communities created their own ties and systems of supra-local public authority, depending on their needs. Pastoralists for instance maintained relations with their markets and eventually, like in the famous case of the Castilian meseta, built up organizations regulating the long distance migrations of the herds. Agriculturalists depending on irrigation or drainage equally developed their own organizations in which public functions, including legislation, tax levying and justice took place on a strictly representative basis. It is noticeable that such bottom up organizations grew out of ineluctable practical necessities of natural origin which required solidary action of communities. An equitable distribution of burdens and benefits was an absolute condition for a durable cooperation Farreaching forms of direct democracy – mainly in proportion to the capital (land or cattle) involved – grew under these conditions in the Alpine and Castilian pastures and in Holland's polders

Cities evidently created the most elaborate systems of representation. The larger their population, the more extensive their network had to be to provide for the necessary foodstuffs, raw materials and export facilities. The means of control of a hinterland varied along the relative concentration of capital. Venice could colonise some islands in the eastern Mediterranean, install privileged merchants in numerous foreign cities, and dominate its direct hinterland in the Po valley As a superb commercial metropolis of about one hundred thousand inhabitants, it had to deal mainly with its rival Genova and later on with the Ottoman empire. Smaller commercial cities like Bruges or Augsburg could obtain farreaching influence in their direct environment but had to negotiate with near-equal competitors. Such was typically the case of the North-German Hansa cities. Their organization of mutual protection grew from regional leagues as there existed many through Europe, it could grow up to a membership of nearly two hundred cities because they all operated in regions with relatively weak monarchical powers However, none of the particular cities or sub-regions could force any other to apply a common decision [20]

Students of representative systems did mostly not consider these bottom up organizations as belonging to their field of research since these did not operate within a dualistic model of a monarch facing estates One can hardly understand, however, the variety of representative systems throughout Europe if one leaves them out the fact that in an early stage they fulfilled the functions vital to the concentration of capital which gave them real power, prevented other forces to interfere Even when, from the fifteenth century onwards, monarchical states tended to mobilise more effective means of military and administrative power and thus could overwhelm most of the formerly independent city-states, the pre-existing representative structures remained a political factor to reckon with Originally, such urban leagues, deputations or federations dealt on an equal footing with monarchs and their councils, concluded treaties with authorities abroad, administered justice in long distance trade, secured their vital interests by military means and levied taxes to finance their activities Since the traditional monarchies could not provide these services by lack of expertise and interest, the federative organizations of communal interests created themselves public authorities lacking the dualistic character of many parliaments The organizations and values, expressed in everyday life, of dwellers of cities and villages not entirely dominated by feudal lords or monarchical administrators, have been labeled communalism and are seen nowadays as a constituent part in the process of social integration in Europe [21]

We should therefore not reduce the idea of representation to the monarchical states, in which the dualism often tended to exclude one of the parties Nor should we reduce the idea of public power in the late middle ages to the monarchical states which were still competing – albeit succesfully on the long term – with city-states, urban leagues, autonomous cities, small lordships and territories of all kinds and sizes The scale and type of public powers being diverse, so were correspondingly the modes of representation

An interesting example of the possible multiplicity of partly overlapping power structures is that of Prussia under the rule of the Teutonic Order The Grand Master was a prince of the Empire, the Order a member of the German Hansa Within the Vistula bassin, the Master had to negotiate intensely with the representatives of the cities which, in turn, formed part of the Prussian quarter of the Hansa On the other hand, the Master reduced to a strict minimum meetings including the clergy and the nobility, although the latter became indispensable in the fifteenth century When the King of Poland acquired Prussia after his victory over the Teutonic Order in 1466, he had to leave intact the strong representative tradition the great Vistula cities had built up during almost two centuries [22] A specific situation like this one shows again the huge gap between Hintze's vision of a bicameral Poland and historical reality

It seems adequate to look at the forms of representation from bottom up since the local and regional structures were the elements to be represented The stronger their original – i e previous to the incorporation in a territorial state – power, the more weight they continued to have in the larger unity Representation could occur on the initiative of the basic units in the way of the construction of broader cooperation, as in the cases of rural organization for water control or transhumance of herds In those cases where representation took place in a context of an established territorial power, it may have reflected the necessity of that power to deal with the pre-existing and still real con-

centrations of accumulated capital within its territory Omitting to do so would probably have led to forms of active resistance by these.

Within villages and towns, community assemblies constituted the primary form of representation. Those adult men possessing a fixed amount of wealth represented the whole community in decisions having financial implications. For judicial matters, the restriction on membership by wealth may even have been totally absent. Their assembly guaranteed the customary law and acted in front of higher authorities to defend them. Given the more complex social and economic structure of cities, their councils developed a far more elaborate network of relations, organizations and actions to protect the vital interests of their population. The major cities extended their sphere of influence over wide hinterlands and long distance routes, which had to bring them into contact – in a non-hierarchical relationship – with similar and different authorities abroad. In that perspective are to be understood the various regional hansa's, sea consulates, urban treaties and leagues Fundamentally, they all aimed at the full unfolding of the cities' economic interests, which implied protection of traffics and the elaboration of trade agreements with partners.

Since the urban networks operated on a regional or even continental scale, they were rather than rural communities in a position to encounter the claims of monarchical powers. On a territorial scale, this took the form of negotiations about taxes and privileges. On a supra-regional scale, like the conflicts between the German Hansa and the kings of Denmark, diplomacy and war as its logical continuation were the normal means of interaction. Townsmen were certainly not inherently democratic: when they had an evident overweight, they used it, as did the Italian metropoles towards their colonies, the smaller cities and their contado, or the Flemish cities towards the minor towns and villages in their quarter. Again, the level and concentration of capital accumulation helps us to explain the variation Where existed a balance of power, as in the case of the Hansa cities, none of which was able to dominate the others, consultation on the basis of voluntary participation and commitment was the rule. Deconcentration of capital thus furthered representation. Following the same logic, the character of representation within monarchical territories and emerging states depended on the social structure, especially the level of capital accumulation and its concentration. The incorporation of loosely structured societies – which are typically those with a low level of accumulation – into a major polity created minimal problems of integration but, on the other hand, offered also little returns to the centre. Inversely, highly structured societies were hard to incorporate directly and their pre-existing organization had to be handled with care and due tolerance to the local and regional interests. But then, much higher capital flows could be extracted from these concentrated accumulations.

In this respect, institutional traditions loose their importance Three estates assemblies have been introduced in the county of Flanders by the ruling duke of Burgundy in 1400 only; however, this new institution did not replace or even reduce the much older and much more active informal representation of the major cities. Form follows function, as say designers. Estates could represent the distribution of power in societies, but did not fit to all. A huge accumulation and concentration of capital within a region always led to a political expression of this power in the cities· by league, representation or domination, depending on the balance of powers. The institutional form should not prevent us to see the practical ways of exerting power.

As the growth of state power implied that stronger central bureaucracies ruled over larger territories, the position of representative institutions within them was far from unchallenged State makers gradually sought to eliminate the need to recur to the estates for subsidies. They were more successful in the larger territories since a. concentrations of capital are per definition limited to relatively small areas, b assemblies were hardly effective as means of continuous control since they were hampered by long traveling and slow communication; c. opportunities for extracting resources were mostly varied in large areas On the other hand, it remained difficult for bureaucratic centres to control effectively extraordinary high capital concentrations, as show examples like London, Gdansk and Barcelona Representative powers in all such cases were modeled to preserve the specific sphere of autonomy for these metropoles.

If we consider the role of representative institutions as expressions of capital accummulation and concentration, the incorporation in growing states had to interfere with their functioning These states built up an apparatus with ever more sophisticated means of penetrating the society and, so far as possible, to eliminate all intermediary power structures on which rested the representative system. Pressures of administrative, political, judicial and ultimately military nature became available to the centralised states which took profit of economies of scale Again, shifts in the capital distribution give us the key to a fuller understanding of the dynamics, not only the forms of representation.

We may conclude that Hintze's highly stimulating theory has now to be dismissed as being at variance with too many empirical data and inadequate as a description since too narrowly focused on the institutional structures within a single dualistic pattern of monarchical power Instead, we propose a dynamic model in which the power centres of various types are located in function of the relative level and concentration of movable capital. The nature of representation is dependent on the spread of capital, albeit that each power system, once in place, will tend to keep the relations in its favour Only strong dynamism within the society can force polities to open up to new claims

Notes

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